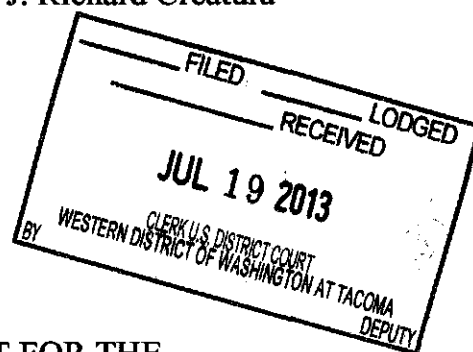


Judge J. Richard Creatura



UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff

NO. MJ13-5154

COMPLAINT FOR VIOLATION

v.

18 United States Code,  
Sections 1343 and 2

JUAN CARLOS DELACRUZ PIOTE,  
Defendant.

**COUNT ONE TO NINE**  
**(Wire Fraud)**

Between in or about June 2011 and up to and including the present day, within the Western District of Washington, and elsewhere, JUAN CARLOS DELACRUZ PIOTE, defendant herein, and others known and unknown, devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and the concealment of material facts.

**I. Object of the Scheme**

1. The object of the scheme was to defraud, and to obtain money and property, from victims seeking to buy cars, boats, and other items advertised on the internet. Specifically, DELACRUZ PIOTE and his co-schemers fraudulently advertised

David S.

1 recreational vehicles (RV's), motor homes, cars, and boats for sale on the internet, and  
2 would then cause unwitting buyers to send money in payment for these items. In truth  
3 and fact, DELACRUZ PIOTE never intended to sell or send the items, and instead  
4 intended to steal the money that victims sent to bank accounts that DELACRUZ PIOTE  
5 controlled. To date, the scheme has netted a total of approximately \$251,990 in wire  
6 transfers to the bank account of GMC AUTOS, LLC.

## 7 **II. Manner and Means of the Scheme**

8 2. It was part of the scheme that DELACRUZ PIOTE would enter the United  
9 States for the purpose of committing the scheme.

10 3. It was further part of the scheme that DELACRUZ PIOTE and his co-  
11 schemers would and did open bank accounts in the names of companies, such as GMC  
12 AUTOS, LLC., at federally insured financial institutions and elsewhere.

13 4. It was further part of the scheme that DELACRUZ PIOTE and other co-  
14 schemers would and did cause advertisements to be placed on internet sites, fraudulently  
15 offering for sale items such as recreational vehicles, cars, boats, and other expensive  
16 items, that the co-schemers did not intend to deliver.

17 5. It was further part of the scheme that DELACRUZ PIOTE and other co-  
18 schemers would and did respond, by telephone and by email, when potential victims  
19 expressed interest in purchasing the items.

20 6. It was further part of the scheme that DELACRUZ PIOTE and other co-  
21 schemers would and did instruct potential victims that, to avoid being scammed when  
22 purchasing the listed items, the victims should use a service called "Amazon Payments."  
23 In truth and fact, DELACRUZ PIOTE and other co-schemers were in no way associated  
24 with Amazon, and instead used the name to lull their victims into a false sense of  
25 security.

1           7.     It was further part of the scheme that DELACRUZ PIOTE and other co-  
2 schemers would cause their victims to transfer, by wire, in and through interstate  
3 commerce, the purchase money for the items listed for sale, to bank accounts they had set  
4 up in the name of GMC AUTOS, LLC and other names, all with no intention of  
5 delivering the items offered for sale.

6           8.     It was further part of the scheme that DELACRUZ PIOTE and other co-  
7 schemers would and did then cause the proceeds received from their victims to be again  
8 wire transferred, to accounts outside the United States, and would and did withdraw the  
9 victims' money from these accounts, all without delivering, or intending to deliver, the  
10 items listed for sale in the internet advertisements.

11          9.     It was further part of the scheme that DELACRUZ PIOTE and other co-  
12 schemers would and did make false statements to the banks, to their victims, to the  
13 police, and to others, all to lull them and to give the schemers the opportunity to flee from  
14 the area and outside of the United States.

15          10.    It was further part of the scheme that DELACRUZ PIOTE and other co-  
16 schemers, if arrested for their frauds, would have their co-schemers pay any bond or bail,  
17 in untraceable currency, to give them the option of fleeing the charges, and preventing  
18 law enforcement from tracing and detecting the other members of the scheme.

19          11.    It was further part of the scheme that DELACRUZ PIOTE would and did  
20 open and use a bank account in the name of GMC Autos LLC at Chase Bank, account  
21 3018, at the branch located at 14400 124th Ave. NE., Kirkland, WA 98034.

22          12.    It was further part of the scheme that DELACRUZ PIOTE would and did  
23 open and use bank accounts in the name of GMC Autos LLC at Bank of America,  
24 accounts 9703 & 9612, at the branch located at 12727 SE 38th St., Bellevue, WA 98006.

25          13.    It was further part of the scheme that DELACRUZ PIOTE would and did  
26 open and use bank accounts in the name of GMC Autos LLC at Wells Fargo Bank,  
27 accounts 3202 & 9548, at the branch located at 13505 NE. 175th St., Woodinville, WA  
28 98072.

### III. Execution of the Scheme

14. On or about the dates listed below, in the Western District of Washington and elsewhere, having devised the above-described scheme and artifice, DELACRUZ PIOTE and co-schemers did knowingly transmit and cause others to transmit, by means of wire communications in interstate and foreign commerce, writings, signs, signals, and sounds, as further described below, each of which constitutes a separate count of this Complaint.

Count	Date	Sender	Recipient	Wire Transmission
1	8/04/11	P.A. of California with an account at Bank of America	Chase account 3018 under GMC AUTOS, LLC	\$32,000 Wire Transfer
2	8/05/11	O.M.I. of Massachusetts with an account at TD Bank	Chase account 3018 under GMC AUTOS, LLC	\$32,500 Wire Transfer
3	8/08/11	C.S. of Ohio with an account at Key Bank	Chase account 3018 under GMC AUTOS, LLC	\$5,000 Wire Transfer
4	8/08/11	S.A. of Washington with an account at Wells Fargo Bank	Chase account 3018 under GMC AUTOS, LLC	\$45,650 Wire Transfer
5	8/08/11	A.M.G. of Massachusetts with an account at RBS Citizen's Bank	Bank of America account 9703 under GMC AUTOS, LLC	\$30,000 Wire Transfer
6	8/09/11	A.K. of Rhode Island with an account at RBS Citizens	Chase account 3018 under GMC AUTOS, LLC	\$5,000 Wire Transfer
7	8/10/11	K.C.C. of Ohio with an account at Chase Bank	Bank of America account 9703 under GMC AUTOS, LLC	\$33,000 Wire Transfer
8	8/11/11	C.S.L of California with an account at Chase Bank	Chase account 3018 under GMC AUTOS, LLC	\$33,490 Wire Transfer

9	8/11/11	S.A. of Washington with an account at Wells Fargo Bank	Chase account 3018 under GMC AUTOS, LLC	\$35,350 Wire Transfer
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All in violation of 18, United States Code, Sections 1343 and 2.

I, Lindsay M. Wills, being duly sworn, do hereby depose and state as follows:

1. I am a Special Agent with U.S. Homeland Security Investigations (HSI), within Immigration and Customs Enforcement (ICE) in the Department of Homeland Security (DHS) in Seattle, Washington and have been so employed since 2007. I am currently assigned to a Financial Investigations Group, and in that capacity investigate criminal financial activity such as currency structuring, money laundering, wire fraud, and bulk cash smuggling. I am a member of the Financial Intelligence Review Team in Seattle, Washington, through which HSI and other federal law enforcement agencies share information and coordinate investigations into criminal activity in the banking industry. I also participate in Operation Cornerstone, a cooperative venture between HSI and the banking and financial industry, which addresses vulnerabilities in those industries that might be exploited by criminals.

2. I am a graduate of the Criminal Investigator Training Program and the ICE Special Agent Training Program at the Federal Law Enforcement Training Center. I have received training in interviewing techniques, arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. I have attended training courses sponsored by ICE, the Department of Justice, the Department of Defense, and other law enforcement agencies, which focused on the investigation of money laundering violations and other financial crimes.

# **I. PURPOSE OF AFFIDAVIT**

3. The information set forth in this affidavit consists of information I gathered and observed firsthand through the course of this investigation to date, as well as

1 information relayed to me by other law enforcement personnel, information from victim  
2 statements, interviews of witnesses, non-law enforcement personnel, and by review and  
3 analysis of various financial records to include those records received pursuant to Grand  
4 Jury subpoena. The information in this affidavit is not intended to detail each and every  
5 fact and circumstance of the investigation or all information known to me or all the  
6 participants involved in the investigation. Rather, this affidavit serves solely to establish  
7 that probable cause exists that Juan Carlos DELACRUZ PIOTE committed violations of  
8 18 U.S.C. § 1343, wire fraud, 18 U.S.C. § 1342, fictitious name or address, and 18 U.S.C.  
9 § 1956, money laundering.

## 10 II. BACKGROUND

11 4. Since July 8, 2011, HSI has been conducting an investigation of MGA  
12 ENGINES, LLC, AUTO FINANCIAL, LLC, and GMC AUTOS, LLC for alleged  
13 violations of Title 18 U.S.C. § 1343, wire fraud. Based on the information contained in  
14 this affidavit, your affiant has probable cause to believe that the businesses AUTO  
15 FINANCIAL, LLC, (owned by Mariano BLASCO GUTIERREZ), MGA ENGINES,  
16 LLC (owned by Jose Antonio GANDULLO MORCILLO), and GMC AUTOS, LLC,  
17 (owned by Juan Carlos DELACRUZ PIOTE) were established for the purpose of  
18 facilitating a wire fraud scheme. The essence of the scheme was to fraudulently advertise  
19 items for sale on the Internet, and to cause victim/buyers to transmit money over  
20 interstate wires. To date, the scheme has netted a total of approximately \$353,850.00 in  
21 wire transfers to the bank account of AUTO FINANCIAL, LLC, approximately  
22 \$96,352.00 in wire transfers to the bank account of MGA ENGINES, LLC, and  
23 approximately \$251,990 in wire transfers to the bank account of GMC AUTOS, LLC.

24 5. The investigation revealed that DELACRUZ PIOTE opened and used a  
25 bank account in the name of GMC Autos LLC at Chase Bank, account 3018, at the  
26 branch located at 14400 124th Ave. NE., Kirkland, WA 98034. DELACRUZ PIOTE  
27 also opened accounts in the name of GMC Autos LLC at Bank of America, accounts  
28 9703 & 9612, at the branch located at 12727 SE 38th St., Bellevue, WA 98006.

DELACRUZ PIOTE further opened and used accounts in the name of GMC Autos LLC at Wells Fargo Bank, accounts 3202 & 9548, at the branch located at 13505 NE. 175th St., Woodinville, WA 98072

6. The investigation to date has revealed that wires sent by victims to the following bank accounts under the names of GMC AUTOS, LLC, AUTO FINANCIAL, LLC, and MGA ENGINES, LLC appear to have been based on Internet ads for fraudulent and non-existent merchandise. Moreover, the investigation of SA Natane Adkins confirmed that each of the people listed in the following table sent money to the co-schemers to purchase a vehicle, but they ultimately did not receive the item they had paid for. These transactions are further set out in the table below:

Date Received	Sender	Sender's Bank	Item	Beneficiary	Beneficiary's Bank	Amount
8/04/2011	P.A.	B of A		GMC AUTOS, LLC	Chase 3018	\$32,000.00
8/05/2011	O.M.I	TD Bank	2010 Toyota Tundra	GMC AUTOS, LLC	Chase 3018	\$32,500.00
8/8/2011	S.A.	Wells Fargo Bank	2010 Lexus GX460	GMC AUTOS, LLC	Chase 3018	\$45,650.00
8/08/2011	C.S.	Key Bank	2010 Mercedes Benz GL	GMC AUTOS, LLC	Chase 3018	\$5,000.00
8/8/2011	A.M.G.	RBS Citizen's Bank	2010 Infiniti FX35	GMC AUTOS, LLC	BofA 9703	\$30,000.00
8/09/2011	A.K.	RBS Citizens	2010 Mercedes Benz GL	GMC AUTOS, LLC	Chase 3018	\$5,000.00
8/10/2011	K.C.C.	Chase Bank		GMC AUTOS, LLC	BofA 9703	\$33,000.00
8/11/2011	C.S.L.	Chase Bank		GMC AUTOS, LLC	Chase 3018	33,490.00
8/11/2011	S.A.	Wells Fargo Bank	2010 Lexus RX350	GMC AUTOS, LLC	Chase 3018	\$35,350.00
					<b>Sub Total:</b>	<b>\$251,990.00</b>
7/14/2011	T.N.	Chase Bank	2008 Audi S5	AUTO FINANCIAL, LLC	Wells Fargo 4216	\$38,000.00



1	7/18/2011	S.M.	First Citizen's Bank	2006 Fleetwood Excursion	AUTO FINANCIAL, LLC	Banner Bank 6215	\$60,350.00
2							
3	7/19/2011	B.D.	XXXX	2010 Lexus	AUTO FINANCIAL, LLC	Wells Fargo 4216	\$58,000.00
4							
5	7/20/2011	A.S.	Voyager Bank	2007 Malibu Wakesetter	AUTO FINANCIAL, LLC	Banner Bank 6215	\$21,000.00
6							
7	7/21/2011	J.M.	Chase Bank	2009 Audi S5	AUTO FINANCIAL, LLC	Chase Bank 3247	\$39,000.00
8							
9	7/21/2011	M.G.A. C	BofA	2009 Mercedes SL65	AUTO FINANCIAL, LLC	Chase Bank 3247	\$92,000.00
10							
11	7/25/2011	J.H.M	HSBC Bank	2010 Toyota Tundra	AUTO FINANCIAL, LLC	BofA 5618	\$33,500.00
12							
13	8/5/2011	I.M.	BTCO	BMW X5	AUTO FINANCIAL, LLC	Chase Bank 3247	\$12,000.00
14						<b>Sub Total:</b>	<b>\$353,850.00</b>
15	7/6/2011	S.K.	BofA		MGA ENGINES, LLC	BofA 4215	\$35,000.00
16							
17	7/7/2011	M.R.	Wachovia Bank	Airstream Motor home	MGA ENGINES, LLC	BofA 4215	\$16,500.00
18							
19	7/11/2011	A.S.	Commonwealth Bank of Australia	E type Jaguar	MGA ENGINES, LLC	BofA 4215	\$14,850.00
20	7/13/2011	D.R.	Wells Fargo	Wire transfer recalled	MGA ENGINES, LLC	US Bank	\$27,500.00
21							
22	7/13/2011	N.P.	BofA	Wire transfer recalled	MGA ENGINES, LLC	US Bank	\$48,000.00
23							
24	7/15/2011	K.P.			MGA ENGINES, LLC	Chase 9033	\$14,982.00
25							
26	7/15/2011	G.G.		1969 Chevrolet Camaro	MGA ENGINES, LLC	Chase 9033	\$14,700.00
27						<b>Sub Total:</b>	<b>\$172,032.00</b>
28						<b>TOTAL:</b>	<b>\$777,872.00</b>



7. The investigation to date has further revealed that, after the victim sent wires to the fraudulent businesses and their bank accounts, the co-schemers made cash withdrawals, in amounts under the Currency Transaction Reporting (CTR) limit of \$10,000, from the bank accounts in the name of GMC AUTOS, LLC. Examples are included in the table below:

Date	Sender Bank Account	Sender	Transaction	Beneficiary	Beneficiary Bank	Amount
08/02/11	BofA 9703	GMC AUTOS, LLC	Withdrawal			\$5,000
08/03/11	BofA 9703	GMC AUTOS, LLC	Withdrawal			\$2,000
08/05/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$4,300
08/05/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$3,500
08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$2,000
08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$4,000
08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$4,000
08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$5,000
08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$2,000
08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$7,000
08/08/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$6,000
08/08/11	BofA 9703	GMC AUTOS, LLC	Withdrawal			\$6,000
08/08/11	BofA 9703	GMC AUTOS, LLC	Withdrawal			\$5,000
08/09/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$9,500
08/09/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$5,000
08/09/11	BofA 9703	GMC AUTOS, LLC	Withdrawal			\$8,500
08/10/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$5,000

08/10/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$7,000
08/10/11	Chase 3018	GMC AUTOS, LLC	Withdrawal			\$6,300
					<b>TOTAL:</b>	<b>\$97,100</b>

### III. FRAUDULENT SCHEME

8. To accomplish the scheme, BLASCO GUTIERREZ, GANDULLO MORCILLO, DELACRUZ PIOTE, or an unidentified co-schemer, would place an Internet ad or online advertisement offering to sell a recreational vehicle (RV), motor home, car, or boat. When potential victims indicated interest in buying the advertised item, a fictitious seller would respond to the victim by phone and/or email. The email response often fraudulently instructed the buyers to use a "safe" intermediary account at "Amazon Payments," and further assured them this method was being employed "to avoid being scammed." In truth and fact, the schemers had no association with Amazon.com, and instead used that label to fool their victims into believing that the transaction was somehow sponsored or protected by Amazon.com. Next, a second email would be sent to the victim, directing him or her to wire the funds to Amazon Payments, but which provided a bank account number belonging to MGA ENGINES, LLC, AUTO FINANCIAL, LLC, and/or GMC AUTOS, LLC. Once the funds were received into the accounts of MGA ENGINES, LLC, AUTO FINANCIAL, LLC, or GMC AUTOS, LLC, the schemers would then cause the funds to be wired out of the U.S. and into a foreign bank account, or the schemers would simply withdraw the proceeds as cash.

### IV. FACTUAL BASIS FOR ARREST WARRANT

9. In July 2011, HSI Special Agent (SA) Xavier Martinez received a duty call from a bank representative at Columbia Bank, Kent, Washington branch, located at 504 W. Meeker, stating that she had an individual, identified with his Spanish passport as Jose Antonio GANDULLO MORCILLO, who was attempting to set up a business bank account in the name of MGA ENGINES, LLC. The Columbia Bank representative stated that it was unusual (and suspicious) to have individuals with documentation from another

1 country wanting to set up a business bank account, particularly with a recently created  
2 business where the business address was a UPS Store mailbox. In addition, the Columbia  
3 Bank representative stated that they had a recent encounter with other foreigners involved  
4 in a fraud scheme using recently created businesses and UPS Store mailboxes. SA  
5 Natane Adkins contacted the Columbia Bank representative by phone and received a  
6 copy of GANDULLO MORCILLO's identification documents provided to Columbia  
7 Bank.

8 10. SA Natane Adkins also received a call from a Key Bank representative,  
9 who stated another individual, identified as BLASCO GUTIERREZ by a Spanish  
10 passport, had attempted to open a business bank account at Key Bank with the name  
11 AUTO FINANCIAL, LLC. A copy of BLASCO GUTIERREZ's identification and  
12 business documents were obtained by Key Bank and forwarded to SA Natane Adkins.

13 11. Based on information in the passports received from Key Bank and  
14 Columbia Bank, it was determined that BLASCO GUTIERREZ and GANDULLO  
15 MORCILLO entered the United States on June 27, 2011. Records from the State of  
16 Washington revealed, however, that before either of them entered the U.S., someone  
17 established MGA ENGINES, LLC and AUTO FINANCIAL, LLC with the Washington  
18 Secretary of State and the Washington Department of Revenue. Records further revealed  
19 that GANDULLO MORCILLO was listed as the registered agent for MGA ENGINES,  
20 LLC, and that BLASCO GUTIERREZ was the registered agent for AUTO FINANCIAL,  
21 LLC. In addition, before GANDULLO MORCILLO and BLASCO GUTIERREZ  
22 entered the U.S., someone opened two UPS store mailboxes, one in the name of MGA  
23 ENGINES, LLC, and the other in the name of AUTO FINANCIAL, LLC.

24 12. GANDULLO MORCILLO and BLASCO GUTIERREZ attempted and  
25 failed to open business bank accounts in the name of MGA ENGINES, LLC and AUTO  
26 FINANCIAL, LLC at four bank locations; however, records obtained from several other  
27 banks revealed that GANDULLO MORCILLO and BLASCO GUTIERREZ succeeded  
28 in opening accounts at several other banks. They succeeded in opening business bank

1 accounts in the name of MGA ENGINES, LLC, and AUTO FINANCIAL, LLC, at the  
2 following five banks, all of which are located in the Western District of Washington:

- 3 • BofA (Auto Financial), 311 4th Ave. N., Kent, WA 98032
- 4 • BofA (MGA Engines), 15600 NE 8th Street, Suite A9, Bellevue WA 98008
- 5 • Chase Bank, (Auto Financial), 512 W. Smith St., Kent, WA 98032
- 6 • Chase Bank, (MGA Engines), 8010 164th Ave. NE., Redmond, WA 98052
- 7 • Wells Fargo Bank (Auto Financial), 3001 78th Ave. SE., Mercer Is., WA 98040
- 8 • Wells Fargo Bank (MGA Engines), 460 Central Way, Kirkland, WA 98033
- 9 • Banner Bank, (Auto Financial), 202 Kirkland Ave. NE, Kirkland, WA
- 10 • U.S. Bank, (MGA Engines), 17020 Redmond Way, Redmond, WA 98052

11  
12 13. In July 2011, SA Natane Adkins and HSI Intelligence Research Specialist  
13 Adina Ferguson conducted an interview of Michelle Petrovich, Assistant Vice President  
14 and Branch Manager at the Key Bank branch located at 7917 Center Boulevard SE,  
15 Snoqualmie, Washington. During the interview, SA Natane Adkins learned that Michelle  
16 Petrovich was working at Key Bank's Belgate branch in Bellevue, WA on July 6, 2011,  
17 when two white males, later identified as GANDULLO MORCILLO and Jose Last Name  
18 Unknown (LNU), entered the Belgate branch to set up a checking account. The two men  
19 said they wanted an account on which they could "get checks and write checks." Jose  
20 LNU further explained that the checking account was for GANDULLO MORCILLO's  
21 business (MGA ENGINES, LLC).

22 14. In July 2011, GANDULLO MORCILLO and Jose LNU had been observed  
23 together at a Key Bank branch and a BofA branch in Bellevue, WA via surveillance  
24 footage. Ms. Petrovitch stated that if there were communication issues between  
25 GANDULLO MORCILLO and the bank representative, Jose LNU would arrive shortly  
26 after a call was made by GANDULLO MORCILLO to assist with either the bank  
27 transaction or communication with the bank employees. I later confirmed that Jose LNU  
28 was in fact DELACRUZ PIOTE.

1        15. On July 25, 2011, the Redmond Police Department arrested BLASCO  
2 GUTIERREZ at the Banner Bank branch located at 202 Kirkland Ave. NE, Kirkland,  
3 Washington. BLASCO GUTIERREZ was arrested for theft involving two fraudulent  
4 wires totaling approximately \$81,350, sent to the account of AUTO FINANCIAL, LLC.  
5 Redmond Police Department Detective Laura Murphy stated that the senders of the wires  
6 were from Minnesota and South Carolina, and both had reported the transactions as  
7 fraudulent because they never received the vehicles they purchased.

8        16. BLASCO GUTIERREZ made bail but failed to appear for his next hearing.  
9 Investigation reveals that he fled the United States. On August 5, 2011, Special Agent  
10 Natane Adkins and SA Lindsay Wills contacted Mr. Chan in Mercer Island, Washington  
11 regarding the bond payment for BLASCO GUTIERREZ. During the interview SA  
12 Natane Adkins learned that Mr. Chan was contacted by a Romanian individual, later  
13 identified by Mr. Chan as Emilian Madelin NITA, and Juan Carlos DELACRUZ PIOTE,  
14 who stated that they were "roommates and good friends." He received an initial payment  
15 of \$500, and was provided \$10,000 in cash for the bond payment from NITA. Later that  
16 day, I was contacted by Mr. Chan who stated that he was actually paid by three people; to  
17 include Lubos SZABO, who is the owner of the DANUBE BISTRO, DELACRUZ  
18 PIOTE, and NITA.

19        17. Records checks showed that DELACRUZ PIOTE entered the U.S. on or  
20 about June 16, 2011, and was listed as the registered agent of the business GMC AUTOS,  
21 LLC, which was established one day after he entered the U.S. In or around May 2009,  
22 DELACRUZ PIOTE was previously identified in a separate HSI investigation as an  
23 associate of Casiani M. GHERLAN, who claimed that he and DELACRUZ PIOTE had  
24 both worked for NITA in California. The work involved setting up bank accounts by  
25 using fake passports and other fake identification documents.

26        18. DELACRUZ PIOTE succeeded in opening business bank accounts in the  
27 name of GMC AUTOS, LLC at the following three banks, all of which are located in the  
28 Western District of Washington:

- Bank of America located at 12727 SE 38<sup>th</sup> St., Bellevue, WA 98006
- Chase Bank located at 14400 124<sup>th</sup> Ave. NE., Kirkland, WA 98034
- Wells Fargo Bank located at 13505 NE. 175th St., Woodinville, WA 98072

## V. INTERVIEW OF DELACRUZ PIOTE

19. On August 21, 2011, Customs and Border Protection (CBP) Officers encountered DELACRUZ PIOTE during an outbound currency inspection while boarding Delta Airlines flight 232 to Amsterdam, The Netherlands. DELACRUZ PIOTE was found to be carrying approximately \$6,500 in cash in his carry-on luggage. He stated that he had entered the U.S. with approximately \$9,500 in cash. SA Natane Adkins and SA Lindsay Wills were present when CBP encountered DELACRUZ PIOTE and SA Lindsay Wills provided interpretation in the Spanish language.

20. SA Natane Adkins and SA Lindsay Wills conducted a border search of DELACRUZ PIOTE's checked bag at the SeaTac airport, which provided an itinerary for DELACRUZ PIOTE, BLASCO GUTIERREZ, and GANDULLO MORCILLO to fly from Madrid, Spain to Bucharest, Romania on June 11, 2011. We also found Chase Bank blank checks, with routing #325070760 and bank account 3018, with no payee information; Chase Bank blank checks, with routing #325070760 and bank account 985201920, belonging to Juan Carlos DE LA CRUZ at 227 Bellevue Way NE., #35, Bellevue, WA (a UPS Store address); Chase Bank blank checks with routing #570201025 and bank account 3028860025; and miscellaneous business cards, including AUTO FINANCIAL, LLC (owned by BLASCO GUTIERREZ).

21. SA Natane Adkins and SA Lindsay Wills interviewed DELACRUZ PIOTE in CBP's federal inspection area, with SA Lindsay Wills providing interpretation in the Spanish language. DELACRUZ PIOTE told agents he entered the United States on June 16, 2011 from Spain for vacation; however, prior to leaving Spain, friends in Spain had told him that he could start a business in the United States and work here. (In fact, DELACRUZ PIOTE's flight to the US originated from Romania, not Spain.)



1 DELACRUZ PIOTE stated that he started his business paperwork online in Spain, and an  
2 acquaintance in the U.S., known as Tony Last Name Unknown (LNU), had assisted him  
3 with the business paperwork. After arriving to the U.S., he met with Tony LNU in  
4 Bellevue, WA at a club and a couple times at the DANUBE BISTRO in Bellevue, WA.

5 22. DELACRUZ PIOTE told us that the business plan for GMC AUTOS, LLC  
6 was to act as an intermediary, where he would receive a profit for placing the buyer and  
7 seller in contact with each other. He would also act as the money transferor. His  
8 business, GMC AUTOS, LLC does not have a physical location because he finds cars  
9 online or at used car stores, so his business location is essentially wherever he is. For  
10 example, suppose person A is selling an RV and person B wants to buy this RV. Person  
11 B pays DELACRUZ PIOTE, who then keeps a percentage of the funds, and gives the  
12 remaining funds to person A. DELACRUZ PIOTE does not deal with any vehicle title or  
13 registration documents, he only puts people in contact and provides an address.

14 (DELACRUZ PIOTE's bank accounts fail to reflect these kinds of transactions.)

15 DELACRUZ PIOTE stated that his business was currently "up in the air," which he  
16 explained as that he's still working on delivering vehicles. However, he did report that  
17 one time, a person did not receive the vehicle that they had paid for, so he claimed he  
18 returned the entire amount of funds paid to him through Chase bank. Otherwise, he has  
19 not heard of any other complaints. (Information has been received from Chase bank that  
20 there have been no outgoing wires from Chase bank account 3018.)

21 23. When shown a picture of DELACRUZ PIOTE and GANDULLO  
22 MORCILLO entering a bank together, DELACRUZ PIOTE stated that GANDULLO  
23 MORCILLO had paid him to go to the bank a couple times with him because he was  
24 having issues with transfers and opening bank accounts.

25 24. On or about August 25, 2011, a victim, S.A. contacted the U.S. Secret  
26 Service (USSS) to report that he/she had sent two wires on the 8<sup>th</sup> and 11<sup>th</sup> of August  
27 2011 to Chase Bank account 3018 in the name of GMC AUTOS, LLC for two 2010  
28



1 Lexus', for a total of approximately \$81,000. As of this date, he/she has not received the  
2 vehicles in which he/she paid for and has been unable to contact the seller.

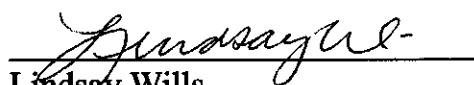
3 25. On August 29, 2011, USSS SA Seth Reeg and SA Natane Adkins met with  
4 S.A. at the USSS's office in Seattle, WA regarding the report of fraud. S.A. stated that  
5 he/she was contacted by one of his/her customers, A.K., in Russia who owns an import  
6 business called From JP.com, which is located in Vladivostok, Russia. A.K. had found a  
7 couple cars which he/she was interested in purchasing online via the website mga-  
8 gmc.autodealerspoint.com. A.K. asked that S.A. facilitate the transaction and export of  
9 the cars requested by A.K. On or about August 2, 2011, S.A. contacted the dealer, David  
10 KLEIN, via phone and email who confirmed the Lexus' were available for purchase.  
11 S.A. received the sales agreements, commercial invoices, and additional photos of the  
12 cars from KLEIN. On August 8 and 11, 2011, during two separate transactions, S.A.  
13 wired a total of \$81,000 to Chase bank account 3018 in the name of GMC AUTOS, LLC  
14 in San Antonio, TX. S.A. eventually received faxed copies of the vehicle titles. Once the  
15 vehicle titles were received, S.A. thought that they did not appear valid. S.A. then  
16 contacted the Texas Department of Motor Vehicles who confirmed that the vehicles had  
17 never been titled in Texas. On or about August 16, 2011, S.A. ordered an independent  
18 inspection of the vehicles, which KLEIN seemed amenable to; however, subsequent  
19 phone calls made by S.A. to KLEIN went directly to voicemail and email messages sent  
20 to KLEIN have not been returned. S.A. stated that the website looked all so real KLEIN  
21 knew all the right things to say.

## 22 VI. CONCLUSION


23 26. GANDULLO MORCILLO, BLASCO GUTIERREZ, and DELACRUZ  
24 PIOTE used their Spanish passports, National ID cards, and business documents for  
25 MGA ENGINES, LLC, AUTO FINANCIAL, LLC, and GMC AUTOS, LLC,  
26 respectively, to open the bank accounts. They used the UPS Store mailboxes and  
27 previously established auto businesses for the "location" of their businesses. Using the  
28 address of an already established auto business in the Western District of Washington

1 would facilitate the deception to an unwitting victim that the business in fact existed.  
2 Once the suspects opened business bank accounts, bank records revealed that MGA  
3 ENGINES, LLC, AUTO FINANCIAL, LLC, and GMC AUTOS, LLC received multiple  
4 wires to these bank accounts, sent from various people across the United States and  
5 overseas for vehicle related purchases. Once the wires were received into the business  
6 bank accounts, GANDULLO MORCILLO, BLASCO GUTIERREZ, DELACRUZ  
7 PIOTE, or unidentified co-schemers, almost immediately withdrew the proceeds from the  
8 accounts as currency, or caused wires to be sent to individuals overseas, including but not  
9 limited to, individuals in Germany, Hungary, and Romania.

10 27. Based on the above facts, I respectfully submit that there is probable cause  
11 to believe that Juan Carlos DELACRUZ PIOTE did knowingly and intentionally commit  
12 violations of 18 U.S.C. § 1343, wire fraud.

13  
14  
15   
16 Lindsay Wills  
17 Special Agent  
18 Homeland Security Investigations

19 Subscribed to and Sworn to before me this 19th day of July, 2013.

20  
21   
22 J. RICHARD CREATURA  
23 United States Magistrate Judge  
24  
25  
26  
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